

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) CRIMINAL NO. 05-10155-MLW
)
 JANET E. SMITH, ET AL)

INITIAL STATUS CONFERENCE REPORT

_____The parties respectfully report, in compliance with this Court's August 22, 2005 Order and Initial Status Report, the following with respect to the items set forth in Local Rule 116.5(A):

- (1) no relief is sought from the otherwise applicable timing requirements imposed by L.R. 116.3;
- (2) there are no requests for discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(E);
- (3) defense counsel have been informed by Attorney Adam Ruttenberg of Looney & Grossman, LLP that the firm is in possession of at least twenty-five boxes of documents concerning a bankruptcy proceeding involving these co-defendants which defense counsel need to review to determine whether portions need to be made a part of this matter;
- (4) the parties ask that this Court provide the defendant(s) 30 days from the scheduled date of the interim status conference in order to share and review certain discovery materials (computer discs) and to review the bankruptcy materials in the possession of

Looney & Grossman, LLP, and to consider the possibility of filing dispositive motions;

- (5) the parties ask that the Court exclude from the time within which this case must be tried under the Speedy Trial Act the period from September 16, 2005 to the date scheduled for the Interim/Final Status conference date (approximately 30 days); according to the Order of the Court dated August 22, 2005, at the time of the interim status conference on September 16, 2005, there will be zero (0) days of non-excludable time under the Speedy Trial Act and seventy (70) days will remain under the Speedy Trial Act in which this case must be tried;
- (6) it is not yet known whether this case will involve a non-trial disposition--but if necessary, a trial would last five to seven days;
- (7) the parties suggest that an Interim/Final Status Conference be scheduled for approximately 30 days from September 16, 2005. At this time the defendants expect to know whether a trial will be needed.

Respectfully submitted this 16th day of September, 2005

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September 14, 2005